

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 LINDA K. SCHNEIDER

Supervising Deputy Attorney General

3 LORETTA A. WEST, State Bar No. 149294

Deputy Attorney General

4 110 West "A" Street, Suite 1100

San Diego, CA 92101

5 P.O. Box 85266

6 San Diego, CA 92186-5266

Telephone: (619) 645-2107

7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10
11 **BEFORE THE**
12 **BOARD OF REGISTERED NURSING**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
14 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2009-232

15 EMMANUEL B. REUSSORA

831 South Beach Blvd., #219

16 Anaheim, CA 92804

ACCUSATION

17 Registered Nurse No. RN 621516

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
23 in her official capacity as the Executive Officer of the Board of Registered Nursing.

24 2. On July 11, 2003, the Board of Registered Nursing issued Registered
25 Nurse License No. RN 621516 to Emmanuel B. Reussora (Respondent). The Registered Nurse
26 license was in full force and effect at all times relevant to the charges brought herein and will
27 expire on May 31, 2009, unless renewed.

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

3. This Accusation is brought before the Board of Registered Nursing, under

5

6

10

15

17

18

19

21

1 defined in Division 10 (commencing with Section 11000) of the Health and Safety
2 Code or any dangerous drug or dangerous device as defined in Section 4022.

3 (b) Use any controlled substance as defined in Division 10 (commencing
4 with Section 11000) of the Health and Safety Code, or any dangerous drug or
5 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
6 or in a manner dangerous or injurious to himself or herself, any other person, or
7 the public or to the extent that such use impairs his or her ability to conduct with
8 safety to the public the practice authorized by his or her license.

9 (c) Be convicted of a criminal offense involving the prescription,
10 consumption, or self-administration of any of the substances described in
11 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
12 record pertaining to, the substances described in subdivision (a) of this section, in
13 which event the record of the conviction is conclusive evidence thereof.

14 (d) Be committed or confined by a court of competent jurisdiction for
15 intemperate use of or addiction to the use of any of the substances described in
16 subdivisions (a) and (b) of this section, in which event the court order of
17 commitment or confinement is prima facie evidence of such commitment or
18 confinement.

19 9. Section 490 of the Code provides, in pertinent part, that a board may
20 suspend or revoke a license on the ground that the licensee has been convicted of a crime
21 substantially related to the qualifications, functions, or duties of the business or profession for
22 which the license was issued.

23 10. Section 493 of the Code states:

24 Notwithstanding any other provision of law, in a proceeding conducted by
25 a board within the department pursuant to law to deny an application for a license
26 or to suspend or revoke a license or otherwise take disciplinary action against a
27 person who holds a license, upon the ground that the applicant or the licensee has
28 been convicted of a crime substantially related to the qualifications, functions, and
duties of the licensee in question, the record of conviction of the crime shall be
conclusive evidence of the fact that the conviction occurred, but only of that fact,
and the board may inquire into the circumstances surrounding the commission of
the crime in order to fix the degree of discipline or to determine if the conviction
is substantially related to the qualifications, functions, and duties of the licensee in
question.

.....

11. Section 482, subsection (b), of the Code states:

Each board under the provisions of this code shall develop criteria to
evaluate the rehabilitation of a person when:

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation
furnished the applicant or licensee.

12. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

....

13. California Code of Regulations, title 16, (Regulations) section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

13. Section 1445, subdivision (b) of the Regulations states:

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(11/04/08 Conviction for Possession of Controlled Substance (Meth.) on 09/18/07)**

5 15. Respondent's license is subject to discipline pursuant to Code sections
6 490, 2761, subdivision (f) (conviction of substantially related crime), and 2761 (a)
7 (unprofessional conduct, as defined by Code section 2762 (conviction of crime involving
8 controlled substance)) in that on November 4, 2008, in the Superior Court of California,
9 Orange County West Justice Center, in the case entitled *People v. Emmanuel Bulawin Reussora*,
10 Case No. OCSO 07-185568, Respondent was convicted on his plea of guilty of violating Health
11 and Safety Code sections 11377 (a) (possession of a controlled substance-methamphetamine),
12 11350 (a) (possession of a controlled substance - morphine), and 11364 (possession of controlled
13 substance paraphernalia-opium pipe), all felonies. These crimes are substantially related to the
14 qualifications, duties and functions of a registered nurse.

15 a. Respondent was sentenced to sixty (60) days custody in County Jail, and
16 participation in the court's Drug Program pursuant to Penal Code section 1000. Respondent may
17 be eligible to have the criminal charges dismissed upon her completion of the court's Drug
18 Program by or before August 10, 2009.

19 b. The circumstances of the crime are that on September 8, 2007, police
20 officers went to Respondent's home in search of a missing person. The officers searched the
21 residence, with Respondent's consent, and discovered the following illegal items in
22 Respondent's bedroom: a small baggy containing crystal methamphetamine, a film canister
23 containing methamphetamine, two glass smoking pipes commonly used to smoke
24 methamphetamine, and morphine.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(11/04/08 Conviction for Burglary, Forgery, and Possession of Forged Items on 06/12/08)**

27 16. Respondent's license is subject to discipline pursuant to Code sections
28 490, 2761 (a) (unprofessional conduct), and 2761 (f) (conviction of substantially related crime)

1 in that on November 4, 2008, in the Superior Court of California, Orange County North Justice
2 Center, in the case entitled *People v. Emmanuel Bulawin Reussora*, Case No. 08 NF 2075,
3 Respondent was convicted on his plea of guilty of violating Penal Code sections 459-460 (b)
4 (Second Degree Commercial Burglary), 470 (d) (forgery with intent to defraud), 475 (a)
5 (possession of forged check with intent to defraud), 476 (attempt to pass forge check with intent
6 to defraud), all felonies, on June 12, 2008. These crimes are substantially related to the
7 qualifications, duties and functions of a registered nurse.

8 a. Respondent was sentenced to three (3) years formal probation, 219 (two
9 hundred nineteen) days of custody in County Jail, restitution, fines and fees. Respondent's
10 formal probation is scheduled to end on November 3, 2011.

11 b. The circumstances of the crime are that on June 12, 2008, Respondent
12 went to the business named "All Checks Cashed" in Anaheim and cashed check no. U29884638
13 from the Employment Development Department ("EDD") in the amount of \$450.00 (four
14 hundred fifty dollars) and apparently payable to Respondent. In fact, EDD originally issued the
15 check as payable to Michael Mattes, Respondent has never filed a claim with EDD, and EDD has
16 never issued a check payable to Respondent.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(11/04/08 Conviction for Burglary, Forgery, and Possession of Forged Items on 06/18/08)**

19 17. Respondent's license is subject to discipline pursuant to Code sections
20 490, 2761 (a) (unprofessional conduct), and 2761 (f) (conviction of substantially related crime)
21 in that on November 4, 2008, in the Superior Court of California, Orange County North Justice
22 Center, in the case entitled *People v. Emmanuel Bulawin Reussora*, Case No. 08 NF 2075,
23 Respondent was convicted on his plea of guilty of violating Penal Code sections 459-460 (b)
24 (Second Degree Commercial Burglary), 470 (d) (forgery with intent to defraud), 475 (a)
25 (possession of forged check with intent to defraud), 476 (attempt to pass forge check with intent
26 to defraud), all felonies, on June 18, 2008. Said crimes are substantially related to the
27 qualifications, duties and functions of a registered nurse. Said conviction would have warranted
28 denial of Respondent's application for licensure as a registered nurse.

1 payable to Respondent. An employee at the business noticed that the original check dollar
2 amount of \$600.00 (six hundred dollars) had been altered in that a number one (1) and a comma
3 (,) were apparently added to make dollar amount appear to be \$1,600.00 (one thousand six
4 hundred dollars). Officers from the Anaheim Police Department were summoned and
5 Respondent was arrested for forgery, among other things.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse Number RN 621516, issued to
10 Emmanuel B. Reussora;

11 2. Ordering Emmanuel B. Reussora to pay the Board of registered Nursing
12 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.
15

16 DATED: 3/26/09
17

18 

19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 State of California
23 Complainant
24
25
26
27
28